



Crl.OP.No.6445 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 09.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.6445 of 2025

S.Balakrishnan

.. Petitioner/3rd Accused

Vs.

The State rep by
The Inspector of Police,
Thirukoilur Police Station,
Kallakurichi District-605 757
(Crime No.608 of 2024)

.. Respondent

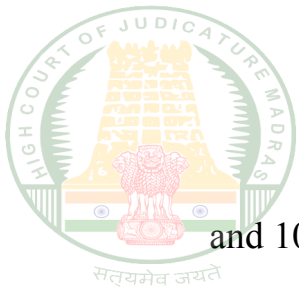
PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.608 of 2024 on the file of the respondent Police.

For Petitioner : M/s.Agni Selvaraju J

For Respondent : Mr.S.Balaji
Government Advocate(Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1), 131, 351(3) of BNS altered to Sections 296(b), 115(2), 118(1), 131, 351(3)



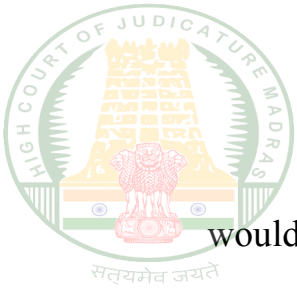
and 103(1) of BNS in Crime No.608 of 2024, seeks anticipatory bail.

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2. The case of the prosecution is that the deceased is the brother of the petitioner's mother; that the daughter of the deceased and the petitioner's brother got married; that there was a matrimonial dispute between the husband and wife; that on account of the same, on 10.11.2024, there was a wordy quarrel and pursuant to the said quarrel, A1 is said to have attacked the deceased with wooden log and the petitioner abused the daughter of the deceased in a filthy language.

3. Learned counsel for the petitioner would contend that even according to the prosecution, there is no specific overt act as against the petitioner in so far as the deceased is concerned and the occurrence took place in a sudden quarrel and hence the petitioner cannot be attributed with common intention to cause death to the deceased and in any case, custodial interrogation is not required and hence prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side), per contra,



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would submit that A1 has been arrested and he is still in custody and the petitioner, who was also involved in the offences under Sections 296(b), 115(2), 118(1), 131, 351(3) of BNS was arrested and released on bail.

5. It is seen that the petitioner was arrested and released on bail in connection with the same crime number for the offences under Section 296(b), 115(2), 118(1), 131, 351(3) of BNS. Subsequently, since the deceased died, the offences were altered to Section 296(b), 115(2), 118(1), 131, 351(3) and 103(1) of BNS and the petitioner apprehends arrest by the respondent police due to the alteration of the sections.

6. Admittedly, the petitioner is the sister's son of the deceased. There was a matrimonial dispute between the petitioner's brother and the daughter of the deceased. The petitioner had not attacked the deceased and the occurrence took place in a sudden fight and wordy quarrel. Therefore, considering the aforesaid facts and since the petitioner was already arrested and released on bail, the custodial interrogation of the petitioner is not required for the purpose of investigation. Hence, this Court is inclined to



grant anticipatory bail to the petitioner on certain conditions

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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the **learned Judicial Magistrate, Tirukkivilur**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the respondent Police or the Police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the



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petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

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Index : Yes / No

Internet : Yes / No

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To

1.The Inspector of Police,
Thirukoilur Police Station,
Kallakurichi District-605 757.

2.The learned Judicial Magistrate, Tirukkivilur.

3.The Public Prosecutor,
Madras High Court,
Chennai.

SUNDER MOHAN , J.



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